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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000393

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TAGS: [PHUM](#) [KDEM](#) [KJUS](#) [IZ](#)
SUBJECT: IRAQI ISLAMIC PARTY SEEKS USG ASSISTANCE ON
DETAINEE ISSUES.

Classified By: Political Counselor Robert S. Ford for
reasons 1.4 (B) and (D)

¶1. (C) SUMMARY: Members of the Iraqi Islamic Party (IIP) Human Rights Committee lodged complaints January 28 about the alleged abuse of human rights of MOI and MOD detainees. IIP presented to EmbOffs lists of detainees held by MNF-I, Ministry of Defense and Ministry of Interior. The IIP Committee claimed that detainees held by MOD are denied family visits and access to legal representation. In addition, the Committee is unable to locate detainees held by MOI. IIP leaders claimed that both the Ministers of Defense and Interior have refused to meet with them on these issues. The IIP leaders said they sought USG assistance on detainee matters as well as acquiring information on 332 missing persons. END SUMMARY.

Allegations lodged against Iraqi Security

¶2. (C) Newly elected Council of Representatives member Muhammed Abdel Moula Khalif told PolOff that the US military must stop joint operations that allow for MOI to take prisoners, because it is nearly impossible to find out the status of an MOI detainee. IIP Human Rights Committee Chair Omar Al-Jabouri recalled in December he previously had solicited USG assistance and met with the Commanding General of MNF-I Detainee Operations, General Jack Gardner to express concerns about Ministry of Interior prisoners. (NOTE: Task Force 134 provides logistical support for Iraqi-led detention facility inspections. END NOTE) Al-Jabouri presented PolOff a list of 332 missing persons who they assumed have been taken by MOI forces. This list consisted of missing academics with masters and doctorate degrees. Khalif emphasized that neither the IIP activists nor the families of the detained have been able to get information about the cases brought to the IIP.

MOD denies access to Legal Representation

¶3. C) Al-Jabouri presented a separate list of 252 detainees which he said had been held by MOD for greater than 15 months. The list was compiled by family members of the detainees. These detainees have been denied family visits and access to legal representation. (Comment: In these cases at least, the families know where their relatives are. End Comment) IIP sent the list to MOD Army Chief of

Staff Zebari and MOD Advisor Ammar al-Hachem and received no response to the request for family visits and legal representation. Although the Minister of Defense Sadoon al-Duleimi refused to meet with IIP members, al-Jabouri reported that he did meet with MOD Public Relations Director Hamid Showkat al-Duleimi and Major General Mohammed Hikmat. Again, according to al-Jabouri, there has been no response to the IIP's request. Khalif said the families are at their wits' end. In an attempt to pressure MOD to grant access to the prisoners, IIP may organize a tent protest in front of the MOD gates.

Fate of 11,000 - denied right to a timely trial

14. (C) Al-Jabouri claimed to PolOff that there are only two investigative judges reviewing the cases of 11,000 prisoners (8,000 in Baghdad, 3,000 in Kut and Babil prisons). According to al-Jabouri, Judge Khalid Ibrahim (who works on Palestine Street) and Judge Magdhil al-Araji (who works at the Yarmouk Prison in Akhademiya) only work 5 days a month on these cases resulting in a huge backlog. In addition, al-Jabouri said detainees' families are forced to pay a USD 2,000 USD - 10,000 bribes in order to transfer the case to the courts.

Questions about MNF-I Too

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15. (C) Al-Jabouri presented PolOff with a list of detainees (with detainee reference numbers) which he said were held by MNF-I. Both al-Jabouri and Khalif questioned why detainees who have been held the longest are not the first released. PolOff explained that detainee release is not based on length of detention but on evidence in each individual case.

Comment

16. (C) IIP's concerns about the negative impact of MOI detention practices, Iraqi court backlogs, and judicial corruption on Sunni trust in the Iraqi government's will and ability to provide due process are real. Speaking at a February 1 press conference on behalf of the Tawafuq Front leadership IIP leader Tareq al-Hashimi criticized bitterly the Ministry of Interior and its handling of arrests and prisoner processing. There are real problems in the MOI system. However, some of the numbers the IIP cites for Iraqis in detention and judicial capacity in Baghdad have been exaggerated. IIP has acknowledged that some of the human rights abuse reports are inflammatory and lack credibility, but they feel obligated to submit them to USG officials since they come from IIP members.

17. (C) The IIP also has raised allegations of MNF-I units committing abuses that also are being investigated. Politically, IIP is a key Sunni player in the new government formation negotiations. As part of our Sunni Arab outreach efforts, we are trying to demonstrate our seriousness with respect to improving transparency and accountability in detention operations both in MNF-I and at the MOI, and MOD to keep IIP, and Sunni Arabs more broadly, engaged in the political process.

